

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOSHUA FIELDS,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
GEORGIA MILITARY COLLEGE,

Defendant.

CIVIL ACTION NO. 5:22-cv-74 (MTT)

ORDER

In their summary judgment briefs, the parties fail to fully address whether plaintiff Joshua Fields' ADA Title II claim is barred by sovereign immunity. Accordingly, they are **ORDERED** to file supplemental briefs addressing:

- (1) Whether defendant Board of Trustees of the Georgia Military College ("GMC") is entitled to raise a sovereign immunity defense, i.e., whether GMC is an arm of the state (see *Gray v. Bd. of Trs. of Ga. Mil. Coll.*, 2022 WL 683128, *4-7 (M.D. Ga. Mar. 7, 2022));
- (2) Whether GMC's alleged misconduct also violated the Fourteenth Amendment; and
- (3) If that misconduct violated Title II of the ADA, but did not violate the Fourteenth Amendment, whether Congress validly abrogated sovereign immunity as to that misconduct.

The parties shall file their supplemental briefs by **December 15, 2023**.

SO ORDERED, this 4th day of December, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT